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GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**GOOGLE'S PROPOSED FINDINGS OF
FACT REGARDING THE
COPYRIGHTABILITY OF THE
STRUCTURE, SELECTION AND
ORGANIZATION OF THE 37 APIS**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

1 1. An API consists of a set of names that can be used to access features of a library,
2 together with specified conventions about their use.

3 2. API specifications, by design, describe the structure, selection and organization
4 (“SSO”) of API elements needed for compatibility between implementations of the APIs, and
5 with programs using the APIs.

6 3. The 37 APIs are fundamental to the Java language.

7 4. Developers learn the 37 APIs when they learn the Java language.

8 5. Developers treat the 37 APIs as part of the Java language.

9 6. The Java language cannot be implemented without many of the 37 APIs.

10 7. Without the 37 APIs, the Java language cannot perform basic tasks, e.g., receiving
11 input from and providing output to the user, or processing text strings.

12 8. The 37 APIs and their SSO are how developers access the implementing code in
13 the 37 API packages, and thus the functionality provided by that code.

14 9. Developers cannot use the 37 APIs without relying on their SSO.

15 10. The SSO of the 37 APIs are functional requirements for compatibility with the 37
16 APIs.

17 11. The 37 APIs cannot be implemented without their SSO.

18 12. Code using different APIs with different SSO than the 37 APIs will not be
19 compatible with the 37 APIs.

20 13. The design of the 37 APIs and their SSO is constrained by external factors
21 including functionality, efficiency and ease of use.

22 14. The 37 APIs and their SSO build on previous programming languages and long-
23 accepted conventions.

24 15. The 37 APIs and their SSO are a system of expression developers use when
25 programming in the Java language.

26 16. For years before this litigation, Sun was aware of, and did not object to, use of the
27 37 APIs and their SSO in GNU Classpath, Apache Harmony and Android.

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1 Dated: April 12, 2012

KEKER & VAN NEST LLP

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3 By: /s/ Robert A. Van Nest
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5 GOOGLE INC.